



COPY

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
FOURTH DIVISION

United States of America,

Civil File No. 4-80-469

Plaintiff,

and

State of Minnesota, by its  
Attorney General Hubert H.  
Humphrey, III, its Department  
of Health, and its Pollution  
Control Agency,

Plaintiff-Intervenor,

v.

ORDER

Reilly Tar & Chemical Corporation;  
Housing and Redevelopment Authority  
of St. Louis Park; Oak Park Village  
Associates; Rustic Oaks Condominium,  
Inc.; and Phillip's Investment Co.,

Defendants,

and

City of St. Louis Park,

Plaintiff-Intervenor,

v.

Reilly Tar & Chemical Corporation,

Defendant,

and

City of Hopkins,

Plaintiff-Intervenor,

v.

Reilly Tar & Chemical Corporation,


Defendant.

This matter comes before the court upon the motion of defendant Reilly Tar & Chemical Corporation for an order: (1) to reconsider and to reverse the portion of this court's Order of August 25, 1983 granting partial summary judgment to the State of Minnesota as to the Second Affirmative Defense of Settlement raised by Reilly Tar in its Amended Answer to the State's Amended Complaint in Intervention; (2) in the alternative, to vacate without prejudice the court's grant of partial summary judgment to the State as to Reilly Tar's Second Affirmative Defense with leave to renew the motion for summary judgment pending completion of discovery; or (3) in the alternative, to amend the court's Order of August 25, 1983 to certify the court's grant of partial summary judgment to the State as to Reilly Tar's Second Affirmative Defense for interlocutory appeal pursuant to 28 U.S.C. § 1292(b).

Having read the briefs of counsel and having reviewed all the files, records and proceedings herein, the court is not persuaded to depart from its ruling of August 25, 1983. In addition, the court does not find that certification of the court's Order of August 25, 1983 for interlocutory appeal pursuant to 28 U.S.C. § 1292(b) is warranted. Accordingly,

IT IS ORDERED that defendant Reilly Tar & Chemical Corporation's motion is in all respects denied.

Dated: October 27, 1983.

  
Paul A. Magnuson  
United States District Judge